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Anthony Defries
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Defendant pro se

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, SCREEN GEMS-EMI
MUSIC, INC., COLGEMS-EMI MUSIC, INC., EMI
FULL KEEL MUSIC, INC., EMI UNART
CATALOG INC. AND JONES/TINTORETTO
ENTERTAINMENT COMPANY, LLC,

Plaintiffs,

against-

ANTHONY DEFRIES, MAINMAN LTD, MMRX
And INDEPENDENT ONLINE DISTRIBUTORS
ALLIANCE, INC.,

Defendants.

Application is
DENIED because, among
other reasons, there is
a lack of a case or
controversy and the
undersigned is
functus officio in
this matter.
SO ORDERED

No. 11 Civ. 6808 (PKC)

EFC CASE

NOTICE OF MOTION TO CONFIRM
THAT PLAINTIFFS DO NOT
HAVE PERSONAL JURISDICTION
OVER DEFENDANTS DEFRIES
AND MMRX

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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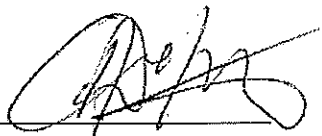
PLEASE TAKE NOTICE, that upon the attached Declaration of Anthony Defries dated 23rd December 2016 Defendant Anthony Defries does hereby move this Court to declare that Plaintiffs never had or obtained personal jurisdiction over him as an individual Defendant and never had or obtained personal jurisdiction over MMRX as it was and is a non-existent legal entity. Plaintiffs further failed to obtain personal jurisdiction over Defendant Defries under the Fourteenth Amendment to the Constitution of the United States per (*Walden V. Fiore US Supreme Court No.12-574 (2014)*) due process constraints on personal jurisdiction require that non-resident defendants have minimum contacts with the forum state and create relationships that arise directly from their constant contacts and conduct with the forum and the litigation.

Since the Plaintiffs failed to establish personal jurisdiction over Defries and MMRX any judgment against those Defendants is void under FRCP R.60 (4) and the absence of personal jurisdiction means that this motion, whenever filed, is not time barred or subject to tolling of any kind.

Accordingly Defendant respectfully seeks the following relief:

- a) An order that Plaintiffs do not have personal jurisdiction over MMRX or Anthony Defries.
- b) That judgment entered in this case against MMRX is void ab initio.
- c) That judgment entered in this case against Anthony Defries is void.
- d) That said judgments against MMRX and Defries are vacated.
- e) Such other relief as may be just.

Dated: Gauteng, South Africa
23rd December 2016


ANTHONY DEFRIES

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